



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

January 31, 1939

Mr. E. H. Griffin
Assistant Criminal
District Attorney
Hillsboro, Texas

Dear Mr. Griffin:

Opinion No. 0-167
Re: Independent School Dis-
trict authorizing use of
school gymnasium as pub-
lic skating rink.

Your letter of January 16 addressed to this Depart-
ment, requesting an opinion, has been duly received. The
pertinent portions thereof are as follows:

"Do trustees of an independent school dis-
trict have authority to authorize the use of a
school gymnasium as a public skating rink, the
profits therefrom to belong to the school, the
gymnasium was built after a bond election where-
in it was asserted that the building was to be
used as a gymnasium, auditorium and classroom
for school purposes?"

We direct your attention to Article 2729a, Article
2738, and Article 2738. You will note from the provisions
of the Articles above cited that the school trustees have
general supervisory powers over the use of school buildings.
You will also note from Article 2738 that school trustees
shall have the power in their discretion to authorize the
use of school buildings for civic, social, recreational and
community gatherings, as in their opinion does not interfere
with the present use of the school buildings or property.

We have found no statute which prohibits school trus-
tees of an independent school district from permitting the
school gymnasium from being used for the purposes as set
out in your letter.

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It is therefore the opinion of this Department, and you are accordingly advised, that the trustees would have authority to authorize the use of the school gymnasium for a public skating rink, and accept fees therefrom, provided that such use does not interfere with the present use of said school building or property for school purposes.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Leage P. Kippert*
Assistant

GPK-MR

APPROVED

Gerald B. Mena
ATTORNEY GENERAL OF TEXAS

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